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NOTES

IN THE

FEDERAL CONVENTION OF 1787.

EDITED BY

WORTHINGTON CHAUNCEY FORD.







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# ALEXANDER HAMILTON'S NOTES

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THE following notes of debates in the Federal Convention were taken by Alexander Hamilton, and are contained on a few undated sheets of paper among the Hamilton Papers in the Library of Congress. I was of the opinion that they might have been notes for the Federalist essays, taken from Madison's records; but a more careful examination showed that they were independent memoranda, and often adding a little to what Madison wrote down in his capacity of self-appointed reporter. To show the connection I have drawn off the corresponding sentences in the Madison notes, using the excellent edition of Mr. Gaillard Hunt, which in thoroughness and accuracy is much in advance of any previous issue. There is enough of original matter in the Hamilton notes to justify the publication. They show the bent of his mind, and the difference between the mental tastes of Madison and himself, demonstrating why Madison was so much the better reporter of debates. But a further point is made: the notes made by Paterson have just been printed, and it is known that Jackson, the secretary to the convention, made copious notes. May it not be conjectured that other members followed the course of Madison, Yates, King, Paterson, Jackson, and Hamilton, and that we have not yet exhausted the material in existence on this most interesting convention. Professors Jameson and McLaughlin have shown what can be done towards illustrating the documentary history of that assemblage, and in the same spirit I offer these notes of Hamilton.

June 1, 1787.

HAMILTON.

The way to prevent a majority from having an interest to oppress the minority is to enlarge the sphere.

Madison. Elective Monarchies turbulent and unhappy.

Men unwilling to admit so decided a superiority of merit in an individual as to accede to his appointment to so preëminent a station.

If several are admitted as there will be many competitors of equal merit they may be all included — contention prevented — & the republican genius consulted.

Randolph. I. Situation of this country peculiar.

II. Taught the people an aversion to Monarchy.

III. All their constitutions opposed to it.

IV. Fixed character of the people opposed to it.

V. If proposed will prevent a fair discussion of the plan.

VI. Why cannot three execute?  
View (or voice) of America.  
Safety to liberty the next object.

Great exertions only requisite on particular occasions.

Legislature may appoint a dictator when necessary.

Seeds of destruction — slaves — [*former continental army struck out*] might be safely enlisted.

MADISON.

[Madison. If [Executive Power] large, we shall have the Evils of Elective Monarchies. Rufus King, I, 588.]

May appoint men devoted to them — & even bribe the legislature by offices.

Chief Magistrate must be free from impeachment.

Wilson. Extent — manners.

Confederated republic unites advantages & banishes disadvantages of other kinds of governments.

rendering the executive ineligible an infringement of the right of election.

Bedford. peculiar talents requisite for *execution*, therefore ought to be opportunity of ascertaining his talents — therefore frequent change.

Mr. Bedford was strongly opposed to so long a term as seven years. He begged the Committee to consider what the situation of the Country would be, in case the first magistrate should be saddled on it for such a period and it should be found on trial that he did not possess the qualifications ascribed to him, or should lose them after his appointment. Madison, III, 63-4.

Princ. 1. The further men are from the ultimate point of importance the readier they will be [to] concur in a change.

2. Civilization approximates the different species of governments.

3. Vigour is the result of several principles. activity wisdom — confidence.

4. Extent of limits will occasion the non attendance of remote members & tend to throw the government into the hands of the Country near the seat of government — a reason for strengthening the upper branch & multiplying the Inducements to attendance.

June 6, 1787.

PRINCIPLES.

I. Human mind fond of Compromise.

Maddisons Theory

Two principles upon which republics ought to be constructed.

I. That they have such extent as to render combinations on the ground of Interest difficult.

II. By a process of election calculated to refine the representation of the People.

Answer. There is truth in both these principles but they do not conclude so strongly as he supposes.

The Assembly when chosen will meet in one room if they are drawn from half the globe — & will be liable to all the passions of popular assemblies.

If more *minute links* are wanting others will supply them. Distinctions of Eastern middle and Southern states will come into view ; between commercial and non commercial States. Imaginary lines will influence, &c. Human mind prone to limit its view by near and local objects.

Paper money is capable of giving a general impulse. It is easy to conceive a popular sentiment pervading the E. States.

Observ. large districts less liable to be influenced by factious demagogues than small.

Note. This is in some degree true but not so generally as may be supposed. Frequently small portions of the large districts carry elections. An influential demagogue will give an impulse to

the whole. Demagogues are not always *inconsiderable* persons. Patricians were frequently demagogues. Characters are less known & a less active interest taken in them.

A free government to be preferred to an absolute monarchy not because of the occasional violations of *liberty* or *property*, but because of the tendency of the Free Government to interest the passions of the community in its favour, beget public spirit and public confidence.

Re. When public mind is prepared to adopt the present plan they will outgo our proposition. They will never part with Sovereignty of the state till they are tired (?) of the state governments.

Mr Pinkney. If Legislatures do not partake in the appointment of, they will be more jealous.

Pinckney. Elections by the State legislatures will be better than those by the people.

Principle. Danger that the Executive by too frequent communication with the judicial may corrupt it. They may learn to enter into his passions.

Note. At the period which terminates the duration of the Executive, there will be always an awful crisis — in the national situation.

Note. The arguments to prove that a negative would not be used would go so far as to prove that

The State Legislatures also he said would be more jealous, & more ready to thwart the National Gov<sup>t</sup>, if excluded from a participation in it. Madison, III, 107.

He differed from gentlemen who thought that a choice by the people wd. be a better guard ag<sup>st</sup> bad measures, than by the Legislatures. Madison, III, 107.

the revisionary power would not be exercised.

Mr Mason. The purse & sword will be in the hands of the [executive, *struck out*] — legislature.

One great defect of our Governments are that they do not present objects sufficiently interesting to the human mind.

A reason for leaving little or nothing to the state legislatures will be that as their objects are diminished they will be worse composed. Proper men will be less inclined to participate in them.

The purse & the sword ought never to get into the same hands whether Legislative or Executive. Madison, III, 110.

June 7, 1787.

Dickinson. He would have the state legislatures elect senators, because he would bring into the general government the sense of the state Governments &

because the most respectable choices would be made.

Mr Dickinson had two reasons for his motion. 1, because the sense of the States would be better collected through their Governments ; than immediately from the people at large ;

2. because he wished the Senate to consist of the most distinguished characters, . . . and he thought such characters more likely to be selected by the State Legislatures, than in any other mode. Madison, III, 112.

Note. Separate states may give stronger organs to their governments or engage more the good will of : — while Gen<sup>l</sup> Gov.

 Consider the Principle of Rivalship by excluding the state Legislatures.

Mr Pinckney thought the 2<sup>d</sup> branch ought to be permanent & independent ; & that the members of it w<sup>d</sup> be rendered more so by receiving their appointment from the State Legislatures. This mode would avoid the rivalships & dis-

contents incident to the election by districts. Madison, III, 119.

Mason. General government could not know how to make laws for every part — such as respect *agriculture, &c.*

particular governments would have *no defensive power* unless let into the constitution as a Constituent part.

Mason. It is impossible for one power to pervade the extreme parts of the U. S. so as to carry equal justice to them. Madison, III, 120.

The State Legislatures also ought to have some means of defending themselves ag<sup>st</sup> encroachments of the Nat<sup>l</sup> Gov<sup>t</sup>. . . And what better means can we provide than the giving them some share in, or rather to make them a constituent part of, the Nat<sup>l</sup> Establishment. Madison, III, 120.

June 8, 1787.

Pinckney. For general Negative.

He urged that such a universality of the power [to negative all laws judged improper] was indispensably necessary to render it effectual. Madison, III, 121.

Gerry. Is for negative on paper emissions.

He had no objection to authorize a negative to paper money and similar measures. Madison, III, 123.

New States will arise which cannot be controuled — & may outweigh & controul.

New States too having separate views from the old States will never come into the Union. They may even be under some foreign influence. Madison, III, 123.

Wilson. Foreign influence may infect certain corners of confederacy what ought to be restrained.

Union bases of our oppos. & Ind[ependence.]

Bedford. Arithmetical calculation of proportional influence in General Government.

Pensyl. & Delaware may have rivalship in commerce — & influence of Pens. sacrifice delaware.

In this case Delaware would have about  $\frac{1}{90}$  for its share in the General Councils, whilst Pa & Va would possess  $\frac{1}{3}$  of the whole. Is there no difference of interests, no rivalship of commerce, of manufac-

If there be a negative in G. G. yet if a law can pass through all the forms of S — C it will require force to abrogate it.

tures? Will not these large States crush the small ones whenever they stand in the way of their ambitions or interested views. . . . If the State does not obey the law of the new System, must not force be resorted to as the only ultimate remedy. Madison, III, 125–6.

Butler. Will a man throw afloat his property & confide it to a government a thousand miles distant?

June 16, 1789.

M<sup>r</sup> Lansing. N[ew] S[ystem] proposes to draw representation from the whole body of people, without regard to S[tate] sovereignties.

Subs: proposes to preserve the State Sovereignties.

Powers. Different Legislatures had a different object.

Revise the confederation.

Ind. States cannot be supposed to be willing to annihilate the States.

State of New York would not have agreed to send members on this ground.

He was decidedly of opinion that the power of the Convention was restrained to amendments of a federal nature, and having for their basis the Confederacy in being.

N. York would never have concurred in sending deputies to the Convention, if she had supposed the deliberations were to turn on a consolidation of the States, and a National Government.

It is in vain to propose what will not accord with these [sentiments of people.]

In vain to devise systems however good which will not be adopted.

If convulsions happen nothing we can do will give them a direction.

Legislatures cannot be expected to make such a sacrifice.

The wisest men in forming a system from theory apt to be mistaken.

The present national government has no precedent or experience to support it.

General opinion that certain additional powers ought to be given to Congress.

Mr. Patterson. 1. plan accords with powers.

2. plan accords with sentiments of the People.

If Confederation radically defective we ought to return to our states and tell them so.

Comes not here to speak sentiments of his own but to speak the sense of his Constituents.

States treat[ed] as equal.

Present Compact gives one *vote* to each state.

Alterations are to be made by Congress and all the Legislatures.

All parties to a Contract must assent to its dissolution.

States collectively have advantages in which the smaller states do not participate — therefore individual rules do not apply.

Force of government will not depend on proportion of representation — but on

Quantity of power.

Check not necessary in a general government of communities — but

in an individual state spirit of faction is to be checked.

How have Congress hitherto conducted themselves?

The People approve of Congress but think they have not powers enough.

The Scheme is itself totally novel. There is no parallel to it to be found.

An augmentation of the powers of Congress will be readily approved by them. Madison, III, 171, 2.

He preferred it because it accorded 1. with the powers of the Convention, 2 with the sentiments of the people.

If the confederacy was radically wrong, let us return to our States, and obtain larger powers, not assume them ourselves.

I came here not to speak my own sentiments, but the sentiments of those who sent me.

5th. art: of confederation giving each State a vote.

13th. declaring that no alteration shall be made with unanimous consent.

What is unanimously done must be unanimously undone.

Its efficacy will depend on the quantum of power collected, not on its being drawn from the States, or from the individuals.

The reason of the precaution [a check] is not applicable to this case. Within a particular State, where party heats prevail, such a check may be necessary.

Do the people at large complain of Cong<sup>s</sup>? No, what they wish is that Cong<sup>s</sup> may have more power.

body constituted like Congress from the *fewness* of their numbers more wisdom and energy —

than the complicated system of Virginia.

Expence enormous.

180 commons, 90 senators, 270.

Wilson. Points of Disagreement.

	Va.	N. J.
1. 2 or three branches.		One branch.
2. Derives authority from people.		from States
3. Proportion of suffrage.		Equality.
4. Single Executive.	Plural.	
5. Majority to govern.	Minority to govern.	
6. Legislate in all matters of general concern.	Partial objects.	
7. Negative.	None.	
8. Removeable by impeachment.	On application of majority of executives.	
9. Qualified negative by Executive.	None.	
10. Inf[erior] tribunals.	None.	
11. Orig[inal] Jurisdiction in all cases of Nat: Rev.	None.	
12. National Gov- ernment to be ratified by People.	To be ratified by Legislatures.	
Empowered to propose every thing, to conclude nothing.		p. 176
Does not think State governments the idols of the people.		p. 176

With proper powers Cong<sup>s</sup> will act with more energy & wisdom than the proposed Nat<sup>l</sup> Legislature; being fewer in number.

You have 270 coming once at least a year from the most distant as well as the most central parts of the republic . . . can so expensive a system be seriously thought of? Madison, III, 172–175.

See Madison III, 175, 176.

Thinks a competent national government will be a favorite of the people.

Complaints from every part of United States that the purposes of government cannot be answered.

In constituting a government not merely necessary to give proper powers, but to give them to proper hands.

Two reasons against giving additional powers to Congress.

p. 177

First it does not stand on the authority of the people.

Second, It is a single branch.

Inequality, the poison of all governments.

Lord Chesterfield speaks of a Commission to be obtained for a member of a small province.

Pinkney

Mr. Elsworth.

Mr. Randolph. Spirit of the People in favour of the Virginia scheme.

We have powers; but if we had not we ought not to scruple.

Mr. Randolph was not scrupulous on the point of power.

June 19, 1787.

Maddison. Breach of compact in one article releases the whole.

A breach of the fundamental principles of the compact by a part of the Society would certainly absolve the other part from their obligation to it. Madison III, 210.

The proposed amendment to it [Confederation] does not supply the omission. Madison, III, 212.

Of what avail <sup>c<sup>d</sup></sup> an appellate tribunal be, after an acquittal? Madison, III, 213.

Treaties may still be violated by the States under the Jersey plan.

Appellate jurisdiction not sufficient because second trial cannot be had under it.

Attempts made by one of the greatest monarchs of Europe to equalize the local peculiarities of the separate provinces — in which the agent fell a victim.

It had been found impossible for one of the most absolute princes in Europe (K. of France) directed by the wisdom of one of the most enlightened Ministers (M<sup>r</sup>. Neckar) &c. Madison, III, 219.

June 20, 1787.

M<sup>r</sup> Lansing. Resolved that the powers of legislation ought to be vested in the United States in Congress.

If our plan be not adopted it will produce those mischiefs which we are sent to obviate.

Principles of system.

Equality of Representation.

Dependence of members of Congress on States.

So long as state distinctions exist, state prejudices will operate whether election be by *states* or *people*.

If no interest to *oppress* no need of apportionment.

M<sup>r</sup> Lansing . . . moved . . . “that the powers of legislation be vested in the U. States in Congress.” Madison, III, 227.

If it were true that such a uniformity of interests existed among the States, there was equal safety for all of them, whether the representation remained as heretofore, or were proportioned as now proposed. Madison, III, 228.

Virginia 16. Delaware 1.

Will General Government have leisure to examine state laws?

Will G. Government have the necessary information?

Is it conceivable that there will be leisure for such a task. Madison, III, 229.

Will the members of the General Legislature be competent judges? Madison, III, 229.

Will states agree to surrender?

Let us meet public opinion & hope the progress of sentiment will make future arrangements.

Would like my [Hamilton's] system if it could be established.

System without example.

Mr Mason. Objection to granting power to Congress arose from their constitution.

*Sword and purse* in one body.

Two principles in which *America* are unanimous.

1. Attachment to Republican government.

2. Attachment to two branches of legislature.

Military *force* and *liberty* incompatible.

Will people maintain a standing army?

Will endeavour to preserve State governments & draw lines — trusting to posterity to amend.

Mr Martin. General Government originally formed for the preservation of state governments.

Objection to giving power to Congress has originated with the legislatures.

so of the states interested in an equal voice.

Real motive was an opinion that there ought to be distinct governments & not a general government.

Is it to be thought that the people of America . . . will surrender both the sword and the purse to the same body? Madison, III, 231.

In two points he was sure it was well settled. 1. in an attachment to Republican government.

2. in an attachment to more than one branch in the legislature. *do.*

The most jarring elements of Nature . . . are not more incompatible than such a mixture of civil liberty and military execution. *do.* 232.

See Madison, III, 232, 233.

General Government was instituted for the purpose of that support [of State governments].

It was the Legislatures not the people who refused to enlarge their powers.

Otherwise ten of the States must always have been ready to place further confidence in Congress.

People of America preferred the establishment of themselves into 13 separate sovereignties instead of incorporating themselves into one.

If we should form a general government it would break to pieces.

For common safety instituted a General government.

Jealousy of power the motive.

People have delegated all their authority to State government.

Caution necessary to both systems.

Requisitions necessary upon one system as upon another.

In their *system* made requisitions necessary in the first instance but left Congress in the second instance to assess themselves.

Judicial tribunals in the different states would become odious.

If we always to make a change we shall be always in a state of infancy.

States will not be disposed hereafter to strengthen the general government.

M<sup>r</sup> Sherman. Confederacy carried us through the war.

Non compliances of states owing to various embarrassments.

Why should state legislatures be unfriendly?

State governments will always have the confidence & government of the people; if they cannot be conciliated no efficacious government can be established.

Sense of all states that one branch is sufficient.

If consolidated all treaties will be void.

Madison, III, 233, 234.

People of states having already tested their powers in their respective Legislatures &c.

. . . would be viewed with a jealousy inconsistent with its usefulness.

Congress carried us through the war.

Much might be said in apology for the failure . . . to comply with the confederation.

Saw no reason why the State Legislatures should be unfriendly.

In none of the ratifications is the want of two branches noticed or complained of.

To consolidate the States . . . would dissolve our treaties.

State governments more fit for local legislation, customs, habits &c.

Each State like each individual has its peculiar habits usages and manners. Madison, III, 235, 236.

Date unidentified.<sup>1</sup>

M<sup>r</sup> Pinckney. is of opinion that the first branch ought to be appointed in such manner as the legislatures shall direct.

Impracticable for general legislature to decide contested elections.

<sup>1</sup> On same sheet with the notes for June 19.









